

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

Plaintiff,

v.

HENRY CARIBE,

Defendant.

Case No. 1:19-CR-10459-RWZ

DEFENDANT HENRY CARIBE'S MOTION FOR RELEASE PENDING TRIAL

The Defendant Henry Caribe moves for an immediate hearing on detention and release pending trial.¹ As ground for this motion, Mr. Caribe states that he is currently serving a Suffolk County sentence at MCI Concord. He is scheduled to be released on June 12, 2020. Given his record and the current charge, the defendant believes he is entitled to be released pending trial. Given the risk of contracting COVID-19 at federal detention facilities, the defendant requests an immediate hearing upon his release from Suffolk, or earlier, if the hearing can be conducted remotely.

This indictment charges that members of the Latin Kings participated in a RICO conspiracy that engaged in acts of violence and drug dealing including attempted murder. Most of the 62 defendants are charged in that conspiracy count, but Mr. Caribe is not. Mr. Caribe is charged as the 59th defendant in count six of the indictment along with Jesus Diaz with

¹ The government states that they are seeking detention pending trial.

conspiracy to possess with intent to distribute cocaine base in Boston from January 2015 through March 2015. The count does not allege an amount of drugs involved in the conspiracy or that the defendant was responsible for an amount of drugs that would subject him to a statutory minimum mandatory sentence. The charged conduct allegedly occurred over a limited period of time over five years ago and predates that for which he is currently serving a state court sentence.

Mr. Caribe is not a career offender. He has two prior drug cases including that for which he is currently serving his sentence. The conduct in that case, however, occurred after the offense conduct charged here so would not count as a career offender predicate. USSG 4B1.2c. He has one prior firearms conviction but that involved a standard revolver not a firearm listed in the statute. USSG 4B1.2a2. That leaves only one possible prior conviction that would count as a career offender predicate, not the two required.

Given the limited time frame and relatively modest amount of drugs involved and the fact that he is not a career offender, Mr. Caribe is not facing such a high guidelines sentence that he is likely to flee. Despite his prior convictions, given that the government has no evidence that Mr. Caribe participated in criminal activity since 2016, he is unlikely to be a danger to the community if released.

Finally, and perhaps most importantly, when he was arrested on this charge Mr. Caribe was successfully participating in the state's prerelease program and working over 60 hours a week for a transportation company. His employer indicates that they were pleased with his work and would be happy to take him back if he were released. Mr. Caribe and his family are long time residents of Boston. Under all of those circumstances, detention is inappropriate.

Mr. Caribe requests that any necessary interview by probation be conducted remotely, before June 12, so as not to delay his release. Mr. Caribe is willing to participate in a detention hearing remotely to avoid transfer to a federal detention facility.

Respectfully Submitted,

HENRY CARIBE,

By his attorney,

/s/ Joan M. Griffin
Joan M. Griffin (BBO# 549522)
PO Box 133
Dublin, NH 03444
griffin@lawjmg.com
(617) 283-0954

Date: May 22, 2020

CERTIFICATE OF SERVICE

I hereby certify that the above document was served on all parties of record by ECF filing on May 22, 2020.

/s/ Joan M. Griffin
Joan M. Griffin